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To: MAIL STOP Technology Center 3700
Examiner Jermie Cozart
via the United States Patent and Trademark Office
Central Facsimile

Fax: 571-273-8300

Re: **Doc Code LET.** – Request to Enter Papers Into Application File

Appl. No: **10/726,801**

FROM: Benjamin D. Tietgen, Reg. No. 61,826**FAX:** 602-681-3339**PHONE:** 602-681-3331**PAGES:** 14 including cover letter**DATE:** August 28, 2008

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AUG 28 2008

In re Application of

Applicant: TILLEY, Michael J. et al.
Title of Invention: Fastener Starting Tool
Filed: 12/02/2003
Serial Number: 10/726,801
Atty Docket No.: 309-002

CERTIFICATE OF TRANSMISSION under 37 CFR §1.8 and 1.6(d)

I hereby certify that the correspondence listed below is being transmitted by facsimile on the date indicated below to the Central Facsimile Number listed below.


Benjamin D. Tietgen

8/28/08

Date

fax (571) 273-8300
Central Facsimile

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST TO ENTER DOCUMENTS INTO FILE

Dear Sir:

This is a request to enter this document, including the attached Exhibits A and B, into the above-referenced application file as **LET. Miscellaneous Incoming Letter**. The Exhibits are copies of original submissions in the present file, and are submitted to show that co-applicant Douglas Linc Clark, who is not represented by the Attorneys for Applicant Michael J. Tilley, assents to and ratifies the original submissions. The content of each Exhibit is identical to the original submission, except that Douglas Linc Clark has signed each document and the pages are marked **EXHIBIT A** and **EXHIBIT B**.

Respectfully submitted,



Benjamin D. Tietgen
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EXHIBIT A

Applicants' Election of Invention

Submitted March 4, 2008

EXHIBIT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 28 2008

In re Application of

Applicant: Michael J. TILLEY
Title of Invention: Fastener Starting Tool
Filed: 12/02/2003
Serial Number: 10/726,801
Atty Docket No.: 309-002

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Benjamin D. Tietgen

Date

ELECTION OF INVENTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Washington, DC 22313-1450

Dear Sir:

This a response to the office action dated February 5, 2008, with a shortened statutory response period set to expire thirty days from that date. This response is submitted within that period and is considered timely filed.

Claim Amendments begin on page 2 of this paper.

Remarks begin on page 3 of this paper.

Election of Invention
Appl. No.: 10/726,801
Filed: 12/02/2003

EXHIBIT A

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CLAIM AMENDMENTS

The following claim listing replaces all previous claim listings.

I claim:

1 – 15. (withdrawn)

16. (original) A method for starting a fastener, the method comprising:

- a) using a shaft having a bore;
- b) placing an amount of a tacky substance on an end of the fastener;
- c) inserting the end of the fastener with the amount of tacky substance into the bore;
- d) starting inserted fastener into a desired location; and
- e) removing the tool from the fastener.

17. (withdrawn)

18. (original) The method according to claim 16 wherein the shaft is comprised of metal.

19. (original) The method according to claim 16 wherein the fastener is a roll pin.

20. (original) The method according to claim 16 wherein the tacky substance is grease.

21. (original) The method according to claim 20 wherein the grease is wheel bearing grease.

22 – 24. (withdrawn)

Election of Invention
Appl. No.: 10/726,801
Filed: 12/02/2003

EXHIBIT A

REMARKS

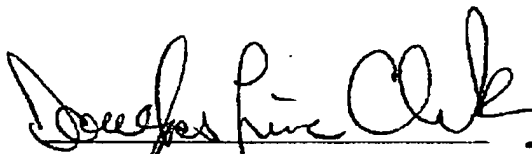
I. Status of Claims

Claims 1-24 are pending in the application. Claims 1-15, 17, and 22-24 are withdrawn herein.

II. Election of Invention

The Examiner requests a restriction of the claims to one of the claimed inventions, described as follows: Invention I comprises claims 1-15 and is drawn to a tool for starting a fastener, classified in class 29, subclass 270; Invention II comprises claims 16-21 and is drawn to a method for starting a fastener, classified in class 29, subclass 559; Invention III comprises claims 22-24 and is drawn to a method for making a tool to start a fastener, classified in class 29, subclass 458. Applicant notes that claim 17 is dependent on claim 2, so claim 17 is directed to Invention I rather than Invention II. Invention II therefore comprises claims 16 and 18-21.

Applicant hereby elects Invention II and withdraws the claims directed to Inventions I and III from the application. Applicant believes this response to be fully responsive and requests that the application proceed to examination.



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Respectfully submitted,



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EXHIBIT B

Applicants' Response to Notice of Non-Compliant Amendment

Submitted April 8, 2008

EXHIBIT B**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***In re Application of*

Applicant: Michael J. TILLEY
Title of Invention: Fastener Starting Tool
Filed: 12/02/2003
Serial Number: 10/726,801
Atty Docket No.: 309-002

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CERTIFICATE OF TRANSMISSION under 37 CFR §1.8 and 1.6(d)

I hereby certify that the correspondence listed below is being transmitted by facsimile on the date indicated below to the central facsimile number: 571-273-8300.

Benjamin D. Tietgen

Date

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Washington, DC 22313-1450

Dear Sir:

This is a response to the office action dated March 10, 2008, with a time for reply set to expire thirty days from that date. This response is submitted within that period and is considered timely filed. Only the corrected section of the non-compliant amendment is submitted herein, and it is in compliance with 37 CFR 1.121.

Claim Amendments begin on page 2 of this paper.

Response to Notice of Non-Compliant Amendment
Appl. No.: 10/726,801
Filed: 12/02/2003

EXHIBIT B

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AUG 28 2008

CLAIM AMENDMENTS

The following claim listing replaces all previous claim listings.

I claim:

1. (withdrawn) A tool for starting a fastener, the tool comprising:
 - a) a shaft having a bore; and
 - b) a tacky substance in the bore to hold the fastener in the bore until the fastener is started in a desired location.
2. (withdrawn) The tool according to claim 1 wherein the shaft further comprises a distal end and a proximal end, and the bore extends from the distal end into the shaft
3. (withdrawn) The tool according to claim 2 wherein the end of bore in the shaft is substantially flat.
4. (withdrawn) The tool according to claim 2 wherein the shaft is comprised of metal.
5. (withdrawn) The tool according to claim 2 wherein the shaft is substantially cylindrical.
6. (withdrawn) The tool according to claim 2 wherein the fastener is a roll pin.
7. (withdrawn) The tool according to claim 2 wherein the bore axial bore and of substantially circular cross-section.
8. (withdrawn) The tool according to claim 2 wherein the proximal end of the shaft is substantially flat.

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9. (withdrawn) The tool according to claim 2 wherein the tacky substance is an adhesive.
10. (withdrawn) The tool according to claim 2 wherein the tacky substance is grease.
11. (withdrawn) The tool according to claim 10 wherein the grease is wheel bearing grease.
12. (withdrawn) The tool according to claim 2 wherein the shaft is comprised of a first portion that extends from the distal end to a second portion that extends from the end of the first portion to the proximal end of the shaft.
13. (withdrawn) The tool according to claim 12 wherein the first portion has a smaller diameter than the second portion of the shaft.
14. (withdrawn) A roll pin punch tool for starting a roll pin, the tool comprising:
 - a) a metal shaft having a distal end and a proximal end, the shaft divided into a first portion that extends from the distal end to a second portion that extends from the end of the first portion to the proximal end of the shaft, the first portion having a smaller diameter than the second portion;
 - b) an axial bore of substantially circular cross-section that is slightly larger than the diameter of the roll pin, the bore extending from the distal end into the first portion and terminating in a flat end;
 - c) the second portion having knurls and being substantially flat at the proximal end to receive blows to start the pin in a desired aperture; and

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- d) wheel bearing grease in the axial bore to hold the roll pin in the bore until the roll pin is started tightly in the desired aperture, at which point the friction of the roll pin in the desired aperture is greater than the friction of the roll pin in the greased bore and the pin remains started after the tool is removed.
15. (withdrawn) The tool according to claim 14 wherein the shaft is substantially cylindrical.
16. (original) A method for starting a fastener, the method comprising:
- a) using a shaft having a bore;
 - b) placing an amount of a tacky substance on an end of the fastener;
 - c) inserting the end of the fastener with the amount of tacky substance into the bore;
 - d) starting inserted fastener into a desired location; and
 - e) removing the tool from the fastener.
17. (withdrawn) The tool according to claim 2 wherein the end of bore in the shaft is substantially flat.
18. (original) The method according to claim 16 wherein the shaft is comprised of metal.
19. (original) The method according to claim 16 wherein the fastener is a roll pin.
20. (original) The method according to claim 16 wherein the tacky substance is grease.

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- 21.** (original) The method according to claim 20 wherein the grease is wheel bearing grease.
- 22.** (withdrawn) A method for making a tool to start a fastener, the method comprising:
- a) machining a shaft having a distal end and a proximal end, and having a first portion that extends from the distal end of the first portion to a second portion that extends from the end of the first portion to the proximal end of the shaft;
 - b) machining an axial bore of substantially circular cross-section into the distal end of the shaft, the bore terminating in a flat end in the shaft;
 - c) machining knurls on the second portion of the shaft; and
 - d) coating the bore with a tacky substance to receive a fastener.
- 23.** (withdrawn) The method of claim 22 wherein the bore is coated with a tacky substance upon insertion into the bore of a fastener coated with tacky substance.
- 24.** (withdrawn) The method of claim 22 wherein:
- a) the metal shaft is about 5 and 9/16 inches in length;
 - b) the first portion is about 2 and 7/16 inches in length and extends from the distal end of the first portion to a second portion of about 3 and 1/8 inches in length;
 - c) the first portion of the shaft has a diameter of about 3/16 inches and the second portion of the shaft has a diameter of about 5/8 inches;

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- d) the bore has a substantially circular cross-section of about $7/32$ inches in diameter and is about $1/4$ inches in length; and
- e) the tacky substance is grease.

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EXHIBIT B

Respectfully submitted,



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